



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 1/30/06 Signature: Allison M. Deverman-Vietor
(Allison M. Deverman Vietor)

75 1633
TFW
Docket No.: SUPP-P01-016
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Brazelton et al.

Application No.: 09/993045

Confirmation No.: 8147

Filed: November 13, 2001

Art Unit: 1633

For: METHODS FOR TREATING DISORDERS OF
NEURONAL DEFICIENCY WITH BONE
MARROW-DERIVED CELLS

Examiner: Q. J. Li

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed July 28, 2005, applicant hereby provisionally elects claims 1, 4-13, 15-17, 21 and 35 for continued examination, with traverse.

The Examiner has required restriction between the following inventions:

- I. Claims 1, 4-13, 15-17, 21 are drawn to a method for treating a neuronal deficiency caused by Parkinson's disease comprising administering bone-marrow derived cells to an individual in need thereof.
- II. Claims 1, 4-13, 15-17, 21 and 35 are drawn to a method for treating a neuronal deficiency caused by a vascular disease comprising administering bone-marrow derived cells to an individual in need thereof.

Applicants elect, with traverse Group I. Applicants note that, based on the art discussed in the course of the prosecution of this application, the Examiner appears to have already

conducted a search with respect to the subject matter of the pending claims. For example, Chen et al. (reference AR) and Hess et al. (reference AT) relate to stroke and other vascular disorders. Burt et al. Blood 1998 91: 2609-16 (cited in Office Action of December 5, 2003) relates to autoimmune encephalomyelitis. Sanchez-Ramos US 2002/0146821 (cited in Office Action of December 5, 2003) relates to Parkinson's disease. Moreover, the Examiner has cited a host of review articles that tend to characterize and summarize the field of stem cell transplantation generally. It appears that the Examiner has already sifted the available literature for any prior art relating to the use of stem cells in the treatment of essentially any neurological disorder. A restriction is not proper where there is no undue burden on the examiner to search the claims as filed. Accordingly, Applicants assert that restriction is improper. Rejoinder of Groups I and II is requested.

To the extent that Group II is rejoined, applicants elect "stroke" as the species of vascular disease for search purposes only.

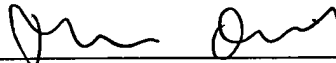
With respect to claim 9, Applicants elect "brain-derived neurotrophic factor (BDNF)" as the species for search purposes only.

All of the pending claims read on the elected species. In view of Applicants' traverse, no claims are canceled or withdrawn at this time.

Applicant believes no fee is due with this response, other than the fee associated with the Extension of Time. However, if an additional fee is due, please charge our Deposit Account No. 18-1945, under Order No. SUPP-P01-016 from which the undersigned is authorized to draw.

Dated: January 30, 2006

Respectfully submitted,

By 

John D. Quisel

Registration No.: 47,874
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant